

ARKANSAS COURT OF APPEALS

DIVISION I

No. CA09-81

HOPE HARBIN,

APPELLANT

V.

ARKANSAS DEPARTMENT OF
HEALTH & HUMAN SERVICES and
MINOR CHILDREN,

APPELLEES

Opinion Delivered 17 June 2009

APPEAL FROM THE GARLAND
COUNTY CIRCUIT COURT,
[NO. JV 2007-299A, B, C, D & E]

HONORABLE VICKI SHAW COOK,
JUDGE

AFFIRMED; MOTION TO
WITHDRAW GRANTED

D.P. MARSHALL JR., Judge

The circuit court terminated Hope Harbin's parental rights to her five children between the ages of four and ten, R.H., K.H., J.H., M.H., and D.W. Harbin's attorney on appeal has moved to withdraw and filed a no-merit brief pursuant to *Linker-Flores v. Arkansas Dep't of Human Servs.*, 359 Ark. 131, 194 S.W.3d 739 (2004) and Supreme Court Rule 6-9(i). That brief explains why no meritorious ground for reversal exists and concludes that there were no adverse rulings at the hearing apart from the ultimate termination decision. Harbin filed no *pro se* points. We agree that her appeal lacks merit.

In terminating Harbin's parental rights, the circuit court found that all the

children were likely to be adopted, and that they would face potential harm through continued contact with Harbin. Ark. Code Ann. § 9-27-341(b)(3)(A) (Repl. 2008). In addition, the court found several statutory grounds for termination. As one ground, the court found that after the filing of the original emergency petition other problems arose, which demonstrated that returning the children to Harbin would threaten their health, safety and welfare, and that—despite the offer of appropriate family services—Harbin was unable or indifferent to remedy those problems or rehabilitate the circumstances preventing return of the children to her custody. Ark. Code Ann. § 9-27-341(b)(3)(B)(vii)(a).

The evidence presented at trial supports this ground for termination. The circuit court had initially placed the children in DHS’s custody in May 2007, finding them in “immediate danger of severe maltreatment.” The children were then living with Harbin’s mother. Almost a month later, the court adjudicated the children dependent-neglected, setting a goal of reunification and ordering Harbin to undergo drug-testing, contact DHS weekly, and complete parenting classes. DHS—unsuccessfully—tried to assist Harbin in adopting a more stable lifestyle. Although Harbin made intermittent progress by attending some parenting classes and abstaining from drugs, she relapsed to the point of requiring hospitalization for her drug problem. She also failed to attend psychological counseling and maintain

contact with DHS as ordered by the court.

The circuit court found that because of Harbin's "substance abuse problems and her emotional problems and her inability to meet these children's needs . . . it would be potentially harmful for these children's health and safety if they were returned to the mother's care and custody." The threat of harm was especially great for R.H. and K.H. who required significant attention and care because of behavioral and psychological problems. The court also noted that some of the children reacted negatively to contact with Harbin and that it would be "contrary to these children's best interest for [Harbin] to continue sporadically to come in and out of their lives." Given Harbin's inability to parent her five young children and the children's urgent need for stability and care, we conclude that her appeal of the circuit court's decision to terminate Harbin's parental rights has no merit. *Lewis v. Arkansas Dep't of Human Servs.*, 364 Ark. 243, 252, 217 S.W.3d 788, 794 (2005).

Affirmed; motion to withdraw granted.

PITTMAN and HENRY, JJ., agree.

